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REMARKS

Claims 1-3 and 5-14 remain pending in the application. Claim 4 has been cancelled.

Claims 15-19 are newly drafted.

Applicant's invention allows an operator to quickly and easily create and edit data carousels for broadcast television. Data carousels can repeatedly broadcast the same interactive television programming modules over a time period. The repeated broadcast of the same modules allows a viewer to pseudo-interact with an interactive broadcast television program. When a viewer makes an interactive selection on their television receiver, the television receiver waits for the corresponding module in the carousel to be broadcast. The television receiver then executes the module responding to the user's selection.

An operator uses a reception unit 102 to select modules that are to be broadcast in the data carousel. The operator also enters a transmission start time and transmission end time for each of the selected modules. A data carousel definition unit 107 sorts the transmission start times and end times, defines the carousal time periods, selects the modules to be transmitted during each of the carousel time periods, and stores ID information for each of the modules in each of the data carousels. In this way, Applicant's invention automatically generates data carousels from operator selected modules and the operator entered transmission start and stop times.

Claims 1-2 and 4-14 were rejected under 35 U.S.C. §102(b) as being anticipated by *Sequeira* (U.S. Pat No. 6,222,530). Applicant respectfully traverses.

*Sequeira* discloses a program scheduler that allows a user to schedule television programming by arranging the programs in predetermined columns on an input screen (*Sequeira*, Figure 6, Column 14, Lines 4-32). The input screen is divided into cells with the columns of the

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cells representing hourly intervals and the rows representing channels (*Sequeira*, Figure 6). The user may also select multimedia data to be broadcast with each television program (*Sequeira*, Figures 17 to 24, Column 15, Line 57 – Column 17, Line 39). *Sequeira*'s disclosure, therefore, relates to television programming and not to the generation of data carousels with pseudo interaction for interactive television.

Claims 1-2 and 4-14 recite a “reception unit (step) operable to receive from an operator, modules forming each data carousel, and transmission start times and transmission end times.<sup>1</sup>” *Sequeira* does not disclose or suggest receiving a transmission end time since the length of a television program to be broadcast is predetermined. The operator specifies a start time and the end time is determined by the length of the television program.

Claims 1-2 and 4-14 also recite a data carousel definition unit (step) that is not disclosed or suggested in *Sequeira*. Claim 1 recites “selecting modules to be repeatedly transmitted during the carousel time period.” The repeatedly is emphasized since it also differentiates Applicant's modules from *Sequeira*'s television programs. The modules in the carousel are repeatedly transmitted unlike a scheduled television broadcast program.

The structural features of Applicant's data carousel definition unit are also different than the structural features disclosed by *Sequeira*. The recitals in Claims 1-2 and 4-14 define the features of the unit to include a “sorting unit, a carousel definition unit, a module selection, and a carousel transmission information unit.” The Office Action asserts these features are taught in *Sequeira* (Application, Page 2, Lines 13-16). Applicant traverses. *Sequeira*'s device sorts television programs by broadcast time and places them in a queue. The cited passage does not disclose or suggest a time sort unit that also sorts with regard to end times. The cited passage also does not disclose or suggest a carousel definition unit that defines a plurality of data.

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carousels. The cited passage also does not disclose or suggest a module selection unit for selecting modules to be repeatedly transmitted. The cited passage does not disclose or suggest a carousel information storage unit for storing identification information for each carousel time period. Thus applicant's data carousel definition unit has at least four claimed features that distinguish the invention over *Sequeira*.

These recited features are important features of Applicant's invention. For example, assume that there are two modules, M<sub>1</sub> having start a start time T<sub>1</sub> and an end time T<sub>2</sub> and M<sub>2</sub> having a start time T<sub>3</sub> and an end time T<sub>4</sub>. Also assume that T<sub>1</sub> occurs first, T<sub>2</sub> occurs third, T<sub>3</sub> occurs second, and T<sub>4</sub> occurs fourth. Applicant's time sort unit sorts the transmission start and transmission end time into a time order, in this example T<sub>1</sub>, T<sub>3</sub>, T<sub>2</sub>, T<sub>4</sub>. The carousel definition unit defines carousel time periods by the sorted transmission start and end times. In this example there are three data carousels with time T<sub>1</sub>-T<sub>3</sub>, T<sub>3</sub>-T<sub>2</sub> and T<sub>2</sub>-T<sub>4</sub>. The module selection unit then selects the modules to be transmitted during each of the three data carousels. The carousel information storage unit stores the identification information for the selected modules. When the carousel time occurs, the modules associated with the data carousel may be repeatedly transmitted.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Sequeira* in view of *Shore* (U.S. Patent No. 5, 760, 767).

It should be noted that the burden of establishing a *prima facie* case of obviousness lies with the Patent Office. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (stating: "The PTO has the burden under section 103 to establish a *prima facie* case of obviousness"). To establish a *prima facie* case of obviousness (1) there must be some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3)

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the prior art reference must teach or suggest all the claim limitations. See MPEP §§ 2142-43.

*Shore* discloses a user friendly user interface for editing motion pictures (*Shore*, Column 1, Lines 1-5, 27-30). The user interface allows a user to create a visual log card for a movie clip (*Shore*, Column 1, Lines 40-43). The user can then move the visual log card around the display and place the card on a timeline (*Shore*, Column 1, Lines 44-45). The user can also edit the timeline (*Shore* Column 1, Lines 47-48). The user can play back clips to help in the editing process (*Shore* Column 1, Lines 51-52). *Shore*'s disclosure, however, is silent with regard to data carousels.

Claim 3 depends from Claim 1 and is patentable for the same reasons as Claim 1. *Shore* also fails to disclose Applicant's recited data carousel definition unit. Thus *Shore* and *Sequeira* fail to disclose every element of claim 3 making Claim 3 patentable over *Sequeira* in view of *Shore*.

Claim 15 is newly drafted and recites another embodiment of the invention. This embodiment includes selecting a plurality of modules S1304, entering corresponding start times and end times S1306, aggregating the start and end times S1312; sorting the aggregation into a chronological ordering S1312; defining a plurality of data carousels having start and end times that correspond with consecutive times in the chronological ordering S1314; identifying for each of the plurality of data carousels the modules from the plurality of module having start and end times that define a time interval that includes the carousel start and end time S1316 (Application, Figure 14, Page 25 Line 12-Page 28 Line 3).

Claim 16 depends from Claim 15 and recites further displaying a name and the time interval corresponding with each of the plurality of data carousels S1402 to assist with operator

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editing. Claim 17 depends from Claim 16 and recites inputting a transmission bit rate for each of the plurality of data carousels S1406. Claim 18 depends from 17 and recites generating carousel information for each of the plurality of data carousels S1408. Claim 19 depends from Claim 18 and recites determining the standard response time for each of the plurality of data carousels S1410.

Claims 15-19 recite a method for editing broadcast content having a step of generating a plurality of data carousels. Both *Sequeira* and *Shore* fail to disclose or suggest a data carousel let alone improving the editing capacity for an operator.

One highly relevant inquiry in making an evaluation under 35 U.S.C. §103 is “[t]he relationship between the problem which the inventor... was attempting to solve and the problem to which any prior art reference is directed.” *Stanley Works v. McKinney Mfg. Co.*, 216 USPQ, 298, 304 (Del. D.C. 1981). Thus, in analyzing the prior art under Section 103 of the Act, we must clearly comprehend the problem addressed by the present inventors and that problems must be compared or contrasted, as the case may be, with the problem addressed by the prior art.

Certainly, neither *Sequeira* nor *Shore* pass this test.

For the reasons stated above, Applicant believes the application is in condition for allowance and early notification of the same is respectfully requested.

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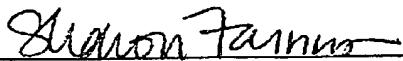
If there are any questions with regard to the prosecution of this application, the undersigned attorney can be contacted at the listed phone number.

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO at **571-273-8300** on October 17, 2006.

Very truly yours,

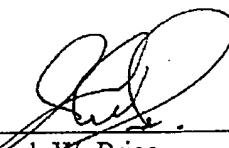
**SNELL & WILMER L.L.P.**

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Signature

Dated: October 17, 2006

  
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